

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

| | | |
|----------------------------|---|------------------|
| ALTON R. GRIGGS, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| YUSEF BRINSON, |) | |
| |) | |
| Plaintiff-Intervenor, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:16cv406-MHT |
| |) | (WO) |
| KENWORTH OF MONTGOMERY, |) | |
| INC., a corporation, and |) | |
| ARROW TRUCK SALES, INC., a |) | |
| corporation, |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

After being injured in an accident that occurred when the truck he was driving malfunctioned, plaintiff Alton R. Griggs, Jr. filed this lawsuit asserting claims of negligence, breach of express and implied warranties, negligent misrepresentation and/or fraud against defendants Arrow Truck Sales, Inc. (which sold the truck) and Kenworth of Montgomery, Inc. (which repaired the truck after a prior malfunction).

Plaintiff Yusuf Brinson, who was also injured in the accident, later intervened. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that Griggs's and Brinson's motions to transfer the claims against Arrow to the United States District Court for the Northern District of Georgia be granted, and that Arrow's motion to dismiss for lack of personal jurisdiction be denied as moot. Also before the court are Arrow's objections to the recommendation that its motion to dismiss be denied as moot; Arrow contends that it should be granted, but does not object to the case being transferred. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is ORDERED as follows:

(1) The objections (doc. no. 127) are overruled.

(2) The magistrate judge's recommendation (doc. no. 126) is adopted.

(3) The motions to transfer venue (doc. nos. 101 and 113) are granted.

(4) The motion to dismiss for lack of jurisdiction (doc. no. 58) is denied as moot.

(5) Plaintiffs Alton R. Griggs, Jr. and Yusuf Brinson's claims against only defendant Arrow Truck Sales, Inc. are transferred to the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1406(a). Defendant Arrow Truck Sales, Inc. is terminated as a party in this court.

The clerk of the court is DIRECTED to take appropriate steps to effect the transfer.

This case is not closed, and plaintiffs Griggs and Brinson's claims against defendant Kenworth of

Montgomery, Inc., remain pending in this court. They are referred back to the magistrate judge.

DONE, this the 20th day of August, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE